

REPORT OF THE COMMITTEE ON LAW ENFORCEMENT AND CORRECTIONS

March 12, 2003

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Maldonado, Vice Chairman Silvestri and Commissioners Butler, Gorman, Moreno, Peraica and Quigley (7)

Absent: None (0).

Also Present: Commissioners Collins and Sims; Patrick Driscoll, State's Attorney's Office; Office, James R. "Chip" Coldren, Jr., President and Charles Fasano, Director of Prison and Jails Program, John Howard Association.

Ladies and Gentlemen:

Your Law Enforcement and Corrections Committee of the Board of Commissioners of Cook County met pursuant to notice on Wednesday, March 12, 2003 at the hour of 10:00 A.M. in the Board Room, Room 569, of the County Building, 118 North Clark Street, Chicago, Illinois for the purpose of discussing the issue of the alleged beating of 49 inmates by the Special Operations Response Team ("SORT") at Cook County Jail.

Chairman Maldonado gave an opening statement regarding the alleged abuse of inmates at Cook County Jail. He stated that he and the commissioners have gathered in the conviction that an open forum where all sides of the story could be heard is the most fair, the most informative, and the most productive way to examine the alleged charges and discuss possible reforms. He further stated that at today's meeting the committee would be focusing on the February 27, 2003, Chicago Tribune article concerning a suspected cover-up of alleged mass jail beatings that occurred in 1999. Chairman Maldonado stated that Sheriff Sheahan had been invited to attend the meeting, but instead will address the Finance Committee meeting this afternoon. The chairman remarked that at today's meeting, the first in a series of public forums, the committee will hear from two representatives of the John Howard Association, James Coldren, President and Charles Faisano. The second speaker will be Harriet McCullough, Executive Director of Citizens Alert.

In conclusion the chairman stated that he is looking forward to hearing testimony from each of the distinguished speakers and working with them to bring the best possible reforms to the Cook County Jail system.

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Mr. Coldren, President of the John Howard Association stated that he feels that the issue before the committee is one of accountability. Mr. Coldren said he lays the blame on society in terms of how we permit these things to continue to happen for many years. He recommended an independent external investigation of the allegations, and recommended an independent "Inmate Advocate Office" that would be located within the County Jail.

Charles Fasano, Director of the Prison and Jails Program at the John Howard Association, stated that jails are temporary detention centers. He remarked that the buildings have serious maintenance problems that need to be addressed. He continued to say that there should be a re-examination of the SORT Team. He stated that he has looked at various facilities and long-term solutions such as: reducing the population level; reducing the level of crowding; making the length of stay shorter; providing proper staffing and oversight; and adequate programming. These are going to be the only remedies to solve the problems at the jail.

Harriet McCullough, Executive Director of Citizens Alert stated that the County needs to find out if the allegations of the forty-nine inmates are in fact true, and recommended an external investigation.

Commissioner Silvestri commented that the County needs to seek the truth as to what happened that evening at the County Jail. He asked the John Howard Association, based upon the facts of the case, if they were in a position to offer an opinion as to whether police action was necessary to maintain order or if there was an overstepping of the police in trampling the rights of the detainees?

Charles Fasano stated that unfortunately the John Howard Association has not obtained sufficient information to give an informed conclusion as to which of the two scenarios is the more likely. He stated that they have received conflicting information from both the Sheriff's police and the inmates, and neither side has sufficient information to conclude that one is likely to be true over the other. Further, he stated that as a watchdog organization, the John Howard Association is not an investigatory body. He said that the association does not have the power to go in and investigate concerns on a constant basis.

Commissioner Silvestri asked Mr. Fasano to explain the function of the Inmate Advocate Office that would be established in the jail and if this would be a quicker and more accurate way of highlighting these types of problems.

Mr. Fasano responded that by having a full-time staff at the Jail at forty hours per week, the staff would be in a position to receive and respond to the information more timely without having to contact an outside organization.

Commissioner Silvestri asked if the advocates would be employees of the County?

Mr. Fasano responded in the affirmative.

Commissioner Silvestri asked what recommendations he had to get the detainees to trial more quickly?

Mr. Fasano remarked that currently a study is being conducted that was initiated by Judge Paul Beibel and includes taking a second look at case processing in the criminal courts. The first study was done in 1990 and this would be an updated version of that study. He stated

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that he assumes that one of the outcomes would be specific recommendations on how to process cases more quickly while maintaining all of the detainees' civil and constitutional rights. Further, he stated that many of the recommendations from the initial study have been implemented.

Commissioner Silvestri requested a copy of the Adjudication Technical Assistance Project Report from 1990.

Commissioner Quigley stated that the committee can talk about how to implement system changes, but it would be a mistake to solve this case, lay the blame and fire the culprit. The commissioner said he believes the County needs a system that is in place and deals with the culture of the Department of Corrections and how the Board of Commissioners is responsible, from an oversight point of view.

Commissioner Quigley asked representatives of the John Howard Association to explain their understanding of what other entities do to work with inmates. He also asked what percentage of inmates are treated outside the jail from various treatment programs so that jail overcrowding can be reduced by twenty-five per cent or more.

James R. "Chip" Coldren, Jr., responded that more community-based treatment options would reduce overcrowding at the jail. He said this is not an immediate solution but is midterm to a long-term solution, which requires a fair amount of development work in addition to public and judicial education.

Charles Fasano informed the committee that some models in different jurisdictions deal specifically with individual special populations. He said that some of what is occurring at the County Jail is a home-grown problem.

Commissioner Quigley commented that it seems that there are spikes in the jail population in regards to the actual structure of the jail. He stated that last year Sheriff Sheahan discussed using outdoor tents as one way to solve overcrowding, but being realistic, with Chicago's winter weather tents might not work. The commissioner asked if there are other alternatives to traditional heavy brick walls with guard towers where less risky inmates can be detained?

Charles Fasano responded that the jail recently converted the old central kitchen facilities into a dormitory that initially housed three hundred and is now double-bunked where it holds six hundred inmates. He said the old Cermak Hospital was turned into a one hundred twenty bed inmate drug unit, and unfortunately there is not enough staff to support these programs. In conclusion he said that the John Howard Association recommends the expansion of programs like the ones operated by the Department of Community Supervision and Intervention, electronic monitoring and day reporting.

Commissioner Hansen asked the John Howard Association to comment on "parole holds."

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Charles Fasano responded that for the past year, there have been a number of status hearings on the Duran case where there has been participation from the Illinois Department of Corrections. They have been able to address some of the overcrowding concerns by accelerating the handling of parole hearings, and one thing that continues to complicate the matter is that inmates in this category are not there solely because of parole holds, but also because they have managed to acquire a new charge that puts them in the dilemma where they cannot be released. Further, he stated that the number has been reduced from 1,500 down to approximately 600.

Commissioner Hansen recommended that the County attempt to derive better statistical evidence using records from both the Department of Corrections and those available in the Office of the Circuit Court Clerk to determine where the growth indicators are by type.

Chairman Maldonado asked how the SORT Team receives orders?

Charles Fasano responded that the SORT Team is a separate unit in the County Jail headed by its own Superintendent who officially reports to the Executive Director at the jail. Members of the SORT Team ultimately report to that Superintendent and to individual supervisors, but they are different because they have specialized training and limited functions. They are answerable not to the Superintendent running the divisions of the jail, but to the SORT commanders.

Chairman Maldonado asked who initiates an investigation of any incident that might occur at the County Jail to the Internal Affairs Division?

Charles Fasano responded that there is no one method on how an investigation is initiated. An investigation can be requested by an inmate or anyone in the chain-of-command who alleges some kind of improper action or problem by an inmate, staff or it can be initiated by a concern with the facility itself.

Chairman Maldonado asked is there a formal procedure that inmates follow when requesting an investigation?

Charles Fasano responded that he is not familiar with the any procedures that inmates would follow.

Commissioner Maldonado asked when an investigation is concluded by Internal Affairs, to whom is the report filed?

Charles Fasano stated that it would depend on what the findings are. If the findings are that inmates may have committed criminal acts while in jail, then the report would be forwarded to the State's Attorney's Office for consideration of possible prosecution. If it was a matter of potential discipline against a Department of Corrections employee, the report would be forwarded to the Director's office to determine whether the recommendation would be something within the Director's authority or if it would need to go to the Merit Board.

Commissioner Maldonado asked if the report is first forwarded to the Inspector General's Office under the Sheriff and then with recommendations to the Executive Director of the

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Department of Corrections or with recommendations to the Cook County State's Attorney's Office?

Charles Fasano stated that he is not sure whether the Inspector General's Office is part of the process before recommendations from the Director.

Commissioner Suffredin asked Harriet McCullough what she sees as the best mechanism for the County Board to follow to give the commissioners input in the FY 2004 budget?

Harriet McCullough remarked that it is important to receive relevant facts from all sides and observers in addition to seeing what can be done about bridging the facts to determine what is correct rather than just looking at cost factors.

Commissioner Suffredin asked if the John Howard Association has any contracts with the Cook County?

Charles Fasano said that the Association does not currently have a contract with the County Jail, but in the past they have had a contract with the Juvenile Temporary Detention Center where they provided technical assistance regarding another class action lawsuit.

Commissioner Peraica stated that even a single instance of abuse on a fellow citizen, even those that are inmates or detainees in our jails must be prevented. The commissioner concluded his remarks by saying that those who are guilty of abusing prisoners must be punished and dealt with.

Public Testimony

1. Aaron Patterson – former death row inmate
2. Maurice Perkins – Inner City Youth Foundation
3. Steve Williams – Board Member, Inner City Youth Foundation
4. Charlotte Lee-Thomas – Sister of Jesse Lee, deceased inmate

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Commissioner Hansen moved to adjourn the meeting, seconded by Commissioner Butler. The motion carried and the meeting was adjourned.

Respectfully submitted by the
Committee on Law Enforcement and
Corrections

Roberto Maldonado, Chairman

Attest:

Sandra K. Williams, Secretary

The transcript for this meeting is available in the Office of the Secretary to the Board,
118 North Clark Street, Room 567, Chicago, IL 60602